

Common Carriers: House Bills Nos. 594, 747, and Senate Bill No. 78.

Constitutional Amendments: Senate Joint Resolutions Nos. 9, 8, 6, and 17.

Criminal Jurisprudence: Senate Bills Nos. 438, 437, 435, 84, 436, 80, 83, 85, and House Bill No. 864.

Game and Fisheries: House Bill No. 634.

Labor: House Bills Nos. 651 and 722.

Judiciary: House Bill No. 865.

Public Printing: House Bill No. 83.

The following committees have filed adverse reports on bills and resolutions, as follows:

Common Carriers: House Bill No. 734.

Constitutional Amendments: House Joint Resolutions Nos. 21 and 34.

Public Printing: House Bill No. 615.

Revenue and Taxation: House Bill No. 824.

The Committee on Common Carriers filed an adverse report, with a minority favorable report, on House Bill No. 733.

#### FORTY-SIXTH DAY

(Monday, April 3, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Caven.
Adamson.	Chastain.
Aikin.	Colson.
Alexander.	Coombes.
Alsup.	Cowley.
Anderson	Crossley.
of Johnson.	Daniel.
Baker.	Davidson.
Barron.	Dean.
Beck.	Devall.
Bedford.	Dunlap.
Bourne.	Dunagan.
Bradley.	Duvall.
Burns.	Dwyer.
Butler.	Fain.
Calvert.	Few.
Camp.	Fisher.
Canon.	Ford.
Cathey.	Fuchs.

Glass.	Moore.
Golson.	Morrison.
Good.	Morse.
Goodman.	Munson.
Graves.	Nicholson.
Greathouse.	Palmer.
Haag.	Parkhouse.
Hankamer.	Patterson.
Harris.	Pavlica.
Harrison.	Pope.
Hartzog.	Puryear.
Head.	Ramsey.
Hester.	Ratliff.
Hicks.	Ray.
Hill of Brazoria.	Reader.
Hill of Webb.	Reed of Bowie.
Hodges.	Reed of Dallas.
Holekamp.	Renfro.
Holland.	Riddle.
Holloway.	Roberts.
Hoskins.	Rogers of Hunt.
Huddleston.	Rogers
Hughes.	of Ochiltree.
Hunt.	Rollins.
Hyder.	Ross.
Jackson.	Savage.
James.	Scarborough.
Jefferson.	Scott.
Johnson	Shannon.
of Anderson.	Shults.
Jones of Atascosa.	Smith.
Jones of Runnels.	Stanfield.
Jones of Shelby.	Steward.
Kayton.	Stinson.
Kyle of Hays.	Stovall.
Kyle of Palo Pinto.	Sullivant.
Laird.	Tarwater.
Latham.	Tennyson.
Lemens.	Thomas.
Leonard.	Tillery.
Lindsey.	Townsend.
Long.	Turlington.
Lotief.	Van Zandt.
Magee.	Vaughan.
Mathis.	Wagstaff.
McClain.	Walker.
McCullough.	Weinert.
McDougald.	Wells.
McGregor.	West.
McKee.	Winningham.
Metcalfe.	Wood.
Mitcham.	Young.

#### Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Clayton for today, on motion of Mr. Glass.

Mr. Barrett for today, on motion of Mr. Canon.

Mr. Engelhard for today, on motion of Mr. Hoskins.

Mr. Griffith for today, on motion of Mr. Lemens.

Mr. Merritt for today, on motion of Mr. Metcalfe.

Mr. Anderson of Bexar for today, on motion of Mr. Nicholson.

Mr. Mackay for today, on motion of Mr. Fuchs.

Mr. Harman for today, on motion of Mr. Ford.

The following Members were granted leaves of absence on account of illness:

Mr. Johnson of Dimmit for today and the balance of the week, on motion of Mr. Ford.

Mr. Moffett for today, on motion of Mr. Alexander.

Mr. Russell for today, on motion of Mr. McClain.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Townsend (by request):

H. B. No. 868, A bill to be entitled "An Act to amend Acts, 1930, Forty-first Legislature, Fourth Called Session, page 90, Chapter 49, Section 2; so as to provide that there shall be no assessments against school districts in a county having a total scholastic population of five thousand (5,000) or less and a total common school population of less than one thousand (1,000) for the payment of the salary and expenses of the county superintendent; and declaring an emergency."

Referred to Committee on Education.

By Mr. Engelhard, Mr. Rogers of Ochiltree, Mrs. Hughes, Mr. Hoskins, Mr. Weinert, and Mr. Mackay:

H. B. No. 869, A bill to be entitled "An Act to amend Article 3842, Title 57, of the Revised Civil Statutes of

the State of Texas, 1925, so as to provide for the designation of a homestead in order to come under the constitutional provision exempting residence homesteads of three thousand dollars (\$3,000) or less of taxable value from all taxation for State purposes, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Bradley:

H. B. No. 870, A bill to be entitled "An Act regulating the employment of women and minors, and establishing an Industrial Welfare Commission to investigate and deal with such employment; providing for an appropriation therefor, and fixing penalties for violations of this Act; providing for the establishment of a minimum wage in occupations, trades, and industries where women and minors work; requiring the Industrial Welfare Commission to take measures to care for the health, hours of work, morals, and safety of women and minors in occupations, trades, and industries, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Stanfield:

H. B. No. 871, A bill to be entitled "An Act to regulate aeroplane passenger vehicles engaged regularly in the business of transporting passengers for compensation or hire in this State; defining 'air transportation companies,' and declaring them to be common carriers; excepting air transportation companies operating wholly within this State; defining the terms 'corporation,' 'person,' and 'commission'; providing for the issuance of certificates of convenience and necessity, and of temporary certificates, to air transportation companies and prescribing the terms and conditions under which such certificates shall be granted and issued, the factors which shall govern the 'Commission' in granting same, the period of time for which the same shall be granted, and the conditions under which they shall be held; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every air transportation company, to fix or approve maximum and minimum fares, etc., and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. McGregor, Mr. Cathey, Mr. Dunagan, Mr. Wagstaff, and Mr. Steward:

H. B. No. 872, A bill to be entitled "An Act concerning the taxing of oil production; defining words and terms; providing for written reports by persons owning, controlling, managing, operating, or leasing any oil well; stipulating the contents and form of such reports; for the filing of the same with the Comptroller; providing for the payment of an occupation tax for the production of oil, and regulating the amount of such tax; providing a penalty for the failure to make such reports and for falsely making any material statement therein, and providing a penalty therefor; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. West:

H. B. No. 873, A bill to be entitled "An Act to amend Article 1667, Revised Statutes of 1925, as amended by House Bill No. 59, passed by the Forty-second Legislature at its Second Called Session, approved October 6, 1931, and providing that in counties containing a population of not less than 75,000, and not more than 80,000, as shown by the last preceding Federal Census, and which contain navigation districts, water improvement districts, and water control and improvement districts, the county auditor shall audit books, accounts, records, bills, and warrants of such districts, and other districts created for improvement and conservation purposes which are not administered by the commissioners court of such counties; and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Hill of Brazoria (by request):

H. B. No. 874, A bill to be entitled "An Act providing for the formation of a county-wide school district in Brazoria County upon majority vote of the qualified voters of said County; providing for the assumption by such county-wide district of the outstanding bonded indebtedness of previously existing common and independent school districts; providing for substitution of school units in lieu of former districts; providing for trustees

of such county-wide district, and authorizing the levy of taxes; providing for election on question of assumption of bonds and levy of taxes; prescribing powers and duties of trustees and school officers, etc.; and declaring an emergency."

Referred to Committee on Education.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Mitcham, Mr. Glass, and Mr. Holekamp:

H. J. R. No. 38, Proposing an amendment to Article VIII, of the Constitution of the State of Texas, providing for the adoption of a new Section to said Article, to be numbered 9-a, which Section shall authorize the levy of a State ad valorem tax for the support of aged and indigent citizens of Texas.

Referred to Committee on Constitutional Amendments.

By Mr. Bradley:

H. J. R. No. 39, Ratifying an amendment to the Constitution of the United States of America, passed by the Sixty-eighth Congress of the United States of America, at its First Session, begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and twenty-four, which amendment, in substance, grants power to the Congress to limit, regulate, and prohibit the labor of persons under eighteen years of age, and expressly leaves unimpaired the power of the several States, except that the laws of said State shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Referred to Committee on Constitutional Amendments.

By Mr. Ratliff (by request):

H. J. R. No. 40, Proposing an amendment to Article III, of the Constitution of the State of Texas, by adding to Section 48 thereof a provision authorizing the levying of taxes for State highway purposes, and by adding to Section 49, of said Article III, a provision enabling the Legislature to provide for the extension of the

credit of the State, for the purpose of reimbursing moneys expended and assuming and/or discharging obligations made by counties and defined road districts in the construction of a system of State highways by means of a tax on gasoline and all other motor fuels, and applying one-fourth of the tax on the business of selling gasoline, or other motor fuels, to the Public Free School Fund, and providing that no lien shall ever be created against real or personal property for the purpose of paying the principal or interest of any bonds issued for such purposes, and providing that the interest on said bonds shall not exceed four and one-half per cent per annum.

Referred to Committee on Constitutional Amendments.

By Mr. Mathis, Mr. Moore, Mr. Morse, Mr. Holland, and Mr. Bradley:

H. J. R. No. 41, Proposing an amendment to Section 5, of Article II, of the Constitution of Texas, permitting a city that has adopted and amended its charter as provided in Section 5, of Article II, to alter, amend, or repeal its charter once in every six months; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

By Mr. Mathis, Mr. Moore, Mr. Morse, Mr. Holland, and Mr. Bradley:

H. J. R. No. 42, Proposing amendments to Section 30, of Article XVI, of the Constitution of Texas, permitting elected officials of a city that has adopted and amended its charter as provided in Section 5, of Article II, of the Constitution of Texas, by amendment to such city's charter to hold office not exceeding four (4) years; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 3, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 482, A bill to be entitled "An Act validating all cities and towns in Texas of 5,000 inhabitants or less, heretofore incorporated and/or attempted in good faith to be incorporated under the general laws of Texas; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation or attempted incorporation, respectively; and declaring an emergency."

S. B. No. 489, A bill to be entitled "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real, personal, or mixed property for debt now advertised to be made on April 4, 1933, or which was advertised for sale on March 7, 1933, but which sale was stayed and postponed for a period of four weeks by Senate Bill No. 418, passed at the Regular Session of the Forty-third Legislature, until August 1, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on March 7, 1933 or April 4, 1933, shall be required for such sale on August 1, 1933; providing that all sales under execution, order of sale, or any deed of trust, mortgage, or other contract giving or granting any power of sale of real, personal, or mixed property for debt made prior to August 1, 1931, and after the effective date of this Act, shall be void; extending the time for return, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### PRESENTATION OF GAVELS FROM THE STATE PENI- TENTIARY

Mr. Burns, being recognized by the Speaker, presented gavels, which were made by inmates of the Penitentiary at Huntsville, to the following chairmen of the standing committees of the House: Messrs. Mathis, Duvall, Reader, Daniel, Hoskins, Chastain, Anderson of Bexar, Fuchs, Barron, Long, Goodman, Walker, Laird, Baker, Patterson, Moffett, Graves, and Kayton.

## SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 489, to the Committee on Judiciary.

## NOTICE GIVEN

Mr. McDougald gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 487, which bill had heretofore been laid on the table subject to call.

## BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 482, "An Act validating all cities and towns in Texas of 5,000 inhabitants, or less, heretofore incorporated and/or attempted, in good faith, to be incorporated under the general laws of Texas; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation, or attempted incorporation, respectively; and declaring an emergency."

H. C. R. No. 57, Authorizing the granting of aid to certain counties.

## INVITATION TO ATTEND COTTON PAGEANT

Mr. Butler, being recognized by the Speaker, extended an invitation, on behalf of the officials of A. & M. College, to visit A. & M. College during the Cotton Pageant.

## MESSAGE FROM THE GOVERNOR

Mr. John H. Davis, Jr., Secretary to the Governor, appeared at the Bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office.

Austin, Texas, April 3, 1933.

To the House of Representatives,  
State of Texas:

I herewith submit for your legislative consideration the question of a gross production tax on oil, and I attach hereto a bill covering my views on the problem of oil production as it now confronts us. The message is submitted as an emergency matter, as permitted under the Constitution of the State. I feel that it is my duty to bring to your attention the desperate situation of the oil industry in an official way so that you may be authorized to deal with the subject as recent developments may demand and require.

In the first place you are, no doubt, fully advised of the serious condition now taking place in the East Texas oil fields. Every day there come communications to my office, either in the form of petitions signed by hundreds of East Texas citizens or by personal visit, of scores of East Texas residents, all pleading and urging that I, as Governor, take some action to remedy conditions and compose the situation so bitterly and universally complained of by the people of that section. I am informed, and, in fact, it is openly charged, and not denied, that hundreds of thousands of barrels of oil are being taken from the East Texas field in violation of the Railroad Commission's orders under the proration laws, and upon which there is no tax being paid to the State, and my information is that this loss is amounting to thousands of dollars daily. It appears that the spirit of disrespect for our proration laws has reached that point where we might truthfully term it a reign of terror, and the people who live in that area are disturbed in mind and in spirit beyond comprehension. I am informed that this desperate condition has reached that stage where heretofore law-abiding citizens are arming themselves with firearms, and are threatening to take the law into their hands if the rights of property owners and persons who have a proprietary interest in the oil production of that section are not in some way protected by law. This failure to control the oil situation of East Texas has now reached the point that it is receiving notice outside of Texas, and the authorities of the National Government

at Washington are threatening to take the matter in hand and to invade the constitutional right of our beloved State to control its own affairs. In other words, we are threatened on the one hand by the violator in East Texas, and on the other with the possibility of Federal control, possibly in the role of a dictator.

I am not undertaking here to lay the blame or responsibility on anybody, but I do feel that it is my duty to call your attention to well-known conditions which exist. The situation is so desperate that delay might be disastrous. The whole Nation is looking to Texas for what is done, and what is to be done, in petroleum legislation and control. It is being charged abroad that Texas has not met the situation, and that sufficient regulation has not been had that the situation demands. We need not argue about whether this true or not, but if it is true, then it is imperative upon you, as the representatives of the people, to meet the situation promptly, and without further delay enact such legislation as will protect the rights of our people and inspire the confidence of other authority as to our intention and determination to control the oil situation in Texas. Our failure to act promptly would probably lead to depreciation and the destruction of one of our most valuable sources of income, and would mean an entire disruption of our peaceful conditions. If we fail to act we might lose millions of dollars in taxation which are now sorely needed for the support of our governmental functions and the perpetuation of our schools and other educational programs. By the disregard of our proration laws, it is charged, and not denied, that three hundred and fifty thousand barrels are being produced illegally in East Texas every day. If this is true, it means that we are losing three thousand five hundred dollars a day, or over a million and a quarter dollars a year. The bill which I enclose provides for a tax of two cents a barrel instead of two per cent, and if we collected the tax upon this oil, which is now being taken illegally, it would mean a gain to the State of over two and a half million dollars a year, and, in addition, if we collected two cents per barrel upon the legal production, which, I understand, in Texas, amounts to eight hundred thousand barrels a day, it would

mean an additional income to the State in round numbers of six million dollars a year.

The bill which I enclose contains drastic criminal penalties for those who violate the proration laws of the State, and I consider them necessary to insure a proper enforcement of our proration laws and for the protection of the rights of the people and the State. If these additional laws are passed, I stand ready to use all the powers at my command to see that they are enforced, and I am ready to assume full responsibility for their enforcement, and I have full confidence that I can produce results. I am, therefore, submitting this message and the bill attached for your serious and prompt consideration in order that we may not suffer by delay which at this time is dangerous. I want to co-operate with the Legislature in every way to meet this situation. The obligation for prompt action rests upon you as well as upon the Governor. The people are expecting with abated breath our decision, and, impelled by these facts, I leave the matter in your hands for that wise and patriotic consideration which I am sure you will give to this most desperate question:

"H. B. No. —

By —

#### A BILL

#### To Be Entitled

An Act concerning the taxing of oil production; defining words and terms; providing for written reports by persons owning, controlling, managing, operating, or leasing any oil well; stipulating the contents and form of such reports; for the filing of the same with the Comptroller; providing for the payment of an occupation tax for the production of oil, and regulating the amount of such tax; providing a penalty for the failure to make such reports and for falsely making any material statement therein, and providing a penalty therefor; requiring pipe lines operating in this State to keep a record of production of oil wells connected with their lines, and prescribing the contents thereof; requiring such pipe lines to withhold and collect taxes and to pay the same to the Comptroller, defining the manner of performing such du-

ties, providing penalties for the failure of any such pipe line to make such reports or to pay to the Comptroller the taxes required and fixing penalties therefor; requiring such pipe lines to maintain meters in good working condition to show the quantity of oil received by them for transportation, and further requiring that all such records and reports shall be subject to inspection by representatives of the Commission or other tribunal having jurisdiction; requiring railway companies receiving and transporting oil to keep certain records giving data with respect to oil received for transportation, to collect from the owners, for the use and benefit of the State, taxes due the State upon such oil; and providing that such railways shall remit such taxes so collected to the Comptroller, accompanied by copies of the records required by this Act to be kept, and providing a time for making such payments and transmitting such records, and providing penalties for a failure by any such railway company to collect such taxes or to pay the same to the Comptroller within the time in this Article provided, and further providing penalties for a failure in any such respect herein required; requiring owners of motor truck tanks receiving oil from producers for transportation to keep certain records and defining the contents of such records, and requiring certain reports by such truck tank owners to the Comptroller, defining the contents and time of making such reports, and further providing a penalty against any owner or operator of such motor truck tank for failure to make the report herein required; providing that persons appointed by the Commission or other lawful authority shall have the right of free access to leases, premises, wells, pipe lines, railway cars, tanks, and motor truck tanks for the purpose of inspection with respect to the production and transportation of oil, and providing a penalty for any person or owner producing oil who shall prevent such free right of access for inspection, and providing penalties therefor; providing a penalty against any owner or person who produces, aids, abets, encourages, or participates knowing-

ly in producing oil from any oil well in excess of the amount fixed by the Railroad Commission, or other authorized commission, as the allowable production, defining the same to be a felony, and prescribing a penalty therefor; providing that owners or persons producing oil and required to pay the taxes therefor at a stated time shall be entitled to certain credits for payments made by any carrier on his account for shipments specified; providing for the allocation of the taxes herein imposed; providing for the preparation and furnishing to owners and carriers by the Comptroller of the printed forms for the reports and remittances herein required; providing that the remedies herein given are cumulative, and all laws and parts of laws in conflict herewith are repealed; stipulating that if any part of this Act should be held unconstitutional, such holding shall not affect the remaining portion of the Act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7071, of Chapter 2, of Title 122, of the Revised Civil Statutes of Texas, 1925, be so amended as to be and read as follows:

1. Definitions. The following words and terms, when used in this Article, shall have the following meaning:

"Allowable" means the quantity of oil permitted to be produced by a single oil well per day, whether by order of the Railroad or other Commission, or the final order of a court of competent jurisdiction.

"Barrel" means forty-two gallons.

"Comptroller" means the State Comptroller of Public Accounts for Texas.

"Day" means twenty-four consecutive hours.

"Carrier" means pipe line, railroad company, motor truck tanks, and every other means of receiving and transporting oil.

"Meter" means a suitable apparatus for measuring the quantity of oil maintained in good working order.

"Month" means a calendar month.

"Oil" means any mineral oil produced from the earth.

"Oil well" means any well from which oil is produced, whether by flow or artificial stimulus.

"Overproduction" means production above the quantity of oil herein defined as allowable.

"Owner" means the person having title, whether a natural or artificial person, and whether one or more.

"Person" means either a natural or artificial person, and includes a joint owner, partner, association, common law trust, corporation, and every other legal entity recognized by law.

"Pipe line" means corporation, co-partnership, person, persons, or associations of persons whatsoever operating a pipe line, or conduit, for the transportation of oil.

2. Each person owning, controlling, managing, operating, or leasing in this State any oil well, and each person who produces in any other manner any oil by taking it from the earth in this State, shall make a written report of the number of wells so owned, controlled, managed, operated, or leased by him, which report shall show the quantity of oil produced from each well so reported, the dates upon which same was produced, the carrier, refinery, or other concern to whom same was delivered, and the place where stored, if the same be stored, which said report shall be subscribed and sworn to by such owner before an officer competent to administer oaths, and which said report shall cover the period of the preceding calendar month, and shall be forthwith filed with the Comptroller. Each such person so reporting shall at the same time pay to the Comptroller of this State an occupation tax for the preceding calendar month of two cents per barrel per day on the first one hundred and fifty (150) barrels; on the next one hundred (100) barrels, or any part thereof, he shall pay five cents per barrel per day; on all oil produced in excess of the last mentioned quantity production of one hundred barrels, he shall pay per barrel, per day, the sum of twenty-five cents. And each person owning, controlling, managing, operating, or leasing any oil well is allowed to produce the amount of oil per day herein mentioned, and no more; but this authority shall not take away the authority of the Commission to reduce same to prevent waste under authority of the proration laws of the State.

3. Any owner who is required by the terms of this Article to make a report, and who shall knowingly fail to make such report, or shall, having made such report, falsely make any material statement therein, or shall knowingly fail to state any matter required to be stated by the terms of this Act, shall be guilty of an offense, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by fine in any sum not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail for a time not to exceed twelve months, or by both such fine and imprisonment, but no such criminal proceeding shall in any manner release the liability of such owner for the payment of any taxes that may be due.

4. Every pipe line operating in this State shall keep a record of production of each oil well connected with its line, showing the amount of oil produced daily therefrom, and the date when the same was produced and delivered to it, and likewise describing the lease from which such oil was produced, and it shall be the duty of such pipe line so receiving oil and in making payment therefor to the owner, or owners, to withhold and collect the tax in accordance with the schedule herein provided by dividing the number of wells into the total production, and to pay the same to the Comptroller not later than the tenth day of each month for the amount due for oil received by it during the preceding month.

5. Any pipe line incorporated under the laws of this State, which shall fail to make any report, or shall fail to pay to the Comptroller any sum or sums of money, herein required, shall be subject to a penalty of one thousand dollars (\$1,000) per day, from and after such failure, the same to be recovered by the State in any court of competent jurisdiction, and such company further shall be subject to a forfeiture of its charter, in a suit to be instituted in Travis County, Texas, by the Attorney General.

It shall further be the duty of each pipe line receiving oil from any owner in this State to have and maintain a proper meter in good working condition to show the quantity of oil received by it for transportation, and to whom transported and delivered, and such meter, as well as all records and



reports required by this Act to be kept, shall at all times be subject to inspection by representatives named by the Commission or other tribunal having jurisdiction thereof.

6. Any and all railway companies in this State receiving and transporting oil in this State shall keep a record of all oil received for transportation, giving the date of such receipt, the quantity in barrels, the place received, and the person from whom the same was received, and it shall not be lawful for such railway company to transport any such oil until the tax hereinabove provided for has been paid to said railway company for the use and benefit of the State, and the record herein provided for shall state the amount of such tax and the fact of payment.

Such railway company shall forthwith remit such tax to the Comptroller, along with a sworn copy of the record of the preceding month herein provided for, not later than the tenth day of the month succeeding the month within which such oil was so received for transportation.

Any railway company which receives from any person or owner producing oil any oil for transportation and fails to make the record thereof, as herein provided for, or which fails to collect and/or to pay to the Comptroller the amount of taxes upon such oil as herein provided for, within the time herein provided for, or which fails to make to the Comptroller the report within the time, herein provided for, shall be liable to the payment to the State of Texas of a penalty in the sum of one thousand dollars (\$1,000) per day, thereafter, in addition to the amount of the taxes due upon any oil received by it, and upon which the taxes have not been paid, same to be recovered on behalf of the State in any court of competent jurisdiction.

7. The owner or each and every motor truck tank receiving oil from any owner or producer for transportation in this State shall keep a record of all such oil so received, showing the date when received, the quantity received, the person or owner from whom the same was received, and the place to which, and the person to whom, such oil was transported. Not later than the tenth day of the suc-

ceeding calendar month, such owner of such motor truck tank shall report, in writing, to the Comptroller a statement showing a transcript of his oil receipts record, as above provided for, which such report shall be signed and sworn to by such tank owner before an officer authorized to administer oaths. Any owner or operator of any motor tank receiving oil from any producer for transportation in this State, who shall fail to keep the record hereinabove provided for, or who shall fail to make any monthly report as to such oil receipts, hereinabove provided for, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not exceeding one thousand dollars (\$1,000), or may be imprisoned in the county jail for a time not to exceed twelve (12) months, or by both such fine and imprisonment.

8. Each and every person, firm, corporation, or partnership owning and operating a refinery in this State, and who shall also own a pipe line, or pipe lines, through which oil is transported from a well, or wells, to such refinery, shall, not later than the tenth day of each succeeding calendar month, report in writing to the Comptroller a statement showing a transcript of all the oil receipts and the date of such receipt, and the name and address of the person, firm, or corporation from whom received, and shall collect the tax as herein provided from such person or persons from whom such oil is received, and remit same with said report to the State Comptroller; and said report shall be signed and sworn to by the owner of such refinery before an officer authorized to administer oaths. Any owner or operator of any refinery who shall fail to file said report as herein required, or who shall fail to remit the tax as herein required, or who shall make a false statement as to any material fact in said report, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars (\$500), or may be imprisoned in the county jail for a term not to exceed twelve (12) months, or by both such fine and imprisonment; and in addition to the punishment hereinabove prescribed, should such refinery be operating as a corporation, then for the violation of this section its charter may be forfeited by the State of Texas.

9. Each and every person appointed by the Commission and holding the certificate of the Commission authorizing such appointment, to inspect oil wells, oil leases, pipe lines, railroad cars, or tanks or motor truck tanks shall have the right of free access to such leases, premises, wells, pipe lines, railroad cars, or tanks and to motor truck tanks at any and all times for the purpose of inspection with respect to the production and transportation of oil. Any person or owner producing oil in this State who shall by objection, interference, or otherwise prevent any such person so appointed by the Commission from the free right of access to any lease or premises or well where oil is produced, or who shall in any manner interfere with such representative's examination of any such leases, premises, or well to ascertain the quantity and time of production of oil, shall be guilty of a misdemeanor, and upon conviction therefor shall be subject to a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment.

10. Any owner or person who produces, or aids, abets, encourages, or in any wise participates knowingly in producing oil from any oil well in this State in excess in any one day of the amount set forth in Section 2 of this Act, shall be guilty of a felony, and, upon conviction therefor, shall be punished by confinement in the State penitentiary for a term of not less than one (1) year nor more than five (5) years. In such a case it shall not be required to convict the defendant that he be actually present at the place or time of the overproduction of oil, but it shall be sufficient if such person, under the rules of criminal law and procedure in this State, is guilty of such acts as to constitute him a principal in the commission of such offenses.

11. Every owner or person producing oil in this State and reporting the same to the Comptroller and charged by this law with the duty of paying taxes to the Comptroller shall be entitled to credit for all taxes paid by any carrier on account of oil produced by him and reported by him, and such payments so made by any carrier on his account may

be deducted from the amount of taxes shown to be due and payable under such report insofar as such payments by any such carrier are on account of oil production for the preceding calendar months.

12. That the taxes herein provided for, when paid, shall be, and hereby are, allocated as follows, to-wit: one-fourth ( $\frac{1}{4}$ ) of said taxes when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the Public Free School Fund, and three-fourths ( $\frac{3}{4}$ ) of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the General Fund of the State.

13. It shall be the duty of the Comptroller to prepare and furnish to all owners and carriers in this State, upon request, printed forms for the reports and remittances herein required.

14. The remedies herein provided shall be cumulative of all other remedies now provided by law, but all laws and parts of laws in conflict herewith are hereby repealed.

15. If any section, portion, sentence, phrase, or word of this Act be held by the courts to be unconstitutional, then it is declared that such holding shall not in anywise invalidate the remaining portion of this Act, but it is declared that such remaining portion represents the will of the Legislature and would have been enacted without the presence of that part so held by the court to be unconstitutional.

16. The fact that there is now no adequate law for the equitable taxation of oil production in this State, and the further fact that the State is sustaining great losses in revenues by reason of large production of oil, which such large production is not adequately and equitably taxed, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three (3) several days, be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

## BILL ORDERED PRINTED

On motion of Mr. Tennyson, House Bill No. 733, reported adversely with a minority favorable report, was ordered printed.

## MOTION TO LAY HOUSE BILL NO. 467 ON THE TABLE SUBJECT TO CALL

Mr. McKee moved that House Bill No. 467 be laid on the table subject to call.

The motion was lost.

## MOTION TO RE-REFER

Mr. Reed of Bowie moved that House Bill No. 525 be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Conservation and Reclamation.

The motion was lost.

## PROVIDING FOR THE HOLDING OF NIGHT SESSIONS

Mr. Fain offered the following resolution:

Whereas, The House calendar is seriously congested, and

Whereas, There are many necessary and meritorious bills yet to be considered before the House,

Whereas, The appropriation bills have not been completed,

Whereas, Two-thirds of the session has already expired, leaving only forty calendar days for the remainder of the Session of the Forty-third Legislature; therefore, be it

Resolved, That it is the sense of this House that it hold at least two night sessions per week plus a minimum of six hours per day until the expiration of the present session; be it further

Resolved, That every possible effort be exercised to the end that the business before the House be expedited in order to do away with the necessity of a Special Session, and be it further

Resolved, That the Speaker of the House and the chairmen of the respective committees be requested to arrange for carrying out the purposes of this resolution.

Signed—Fain, Camp, Kayton, Dungan, McClain, Wells, Lemens, Park-

house, Glass, Puryear, McKee, Hudleston.

The resolution was read second time.

Mr. Camp offered the following amendment to the resolution:

Amend resolution so as to provide for the night sessions to be held on Tuesday and Thursday nights.

Mr. Metcalfe raised a point of order on further consideration of the resolution, on the ground that it seeks to change the Rules of the House, and should first be referred to the Committee on Rules before being considered by the House.

The Speaker overruled the point of order.

Mr. Walker moved the previous question on the pending amendments and the resolution, and the main question was ordered.

Question recurring on the amendment by Mr. Camp, it was adopted.

Mr. Vaughan offered the following amendment to the resolution:

Amend resolution by adding after the word "week," the following: "to consider uncontested bills only."

The amendment was adopted.

The resolution as amended was then adopted.

On motion of Mr. Van Zandt, the Speaker of the House was authorized to appoint a committee of seven Members to assist the Speaker in selecting uncontested bills for consideration at the night sessions.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Van Zandt, Fain, Pope, Burns, Vaughan, Moore, and McClain.

## TO GRANT THE ABILENE PLUMBING COMPANY PERMISSION TO SUE THE STATE

Mr. Wagstaff offered the following resolution:

H. C. R. No. 56, To grant the Abilene Plumbing Company permission to sue the State.

Whereas, On June 29, 1931, the State of Texas, through the State Board of Control, entered into a written contract with Franklin Brothers, a firm composed of J. M. Franklin

and A. R. Franklin, contractors, whereby the latter agreed to furnish all material and labor required to install the plumbing and heating system complete in a two-story men's dormitory building on the grounds of the Abilene State Hospital for a consideration of \$9,360; that said contract contained the following paragraph:

"It is agreed by the parties hereto that 20 per cent of the contract price shall be held by the owner for such time as said work can not be made responsible for labor done or material furnished, after the satisfactory completion and acceptance of the entire work, as security for the faithful completion of said work, and as a protection to labor, materials, etc., and may be applied, under the direction of the architects in the liquidation of any damages under this contract, and the contractor agrees to furnish to the owner a release from any liens or rights of lien which may grow out of this contract under the statutes of the State of Texas, and if requested, shall furnish a sworn statement as to all purchases of material and as to all contracts for labor which has gone into said work, and to any and all claims which could arise from such material or labor unfurnished, and the bond hereto attached is given for the purpose of binding said contractor to the faithful performance of this contract."

That Abilene Plumbing Supply Company, Inc., a corporation, furnished material used in said building, for which they received no remuneration, in the sum of \$4,326.76, and that the State Board of Control failed and refused to retain 20 per cent of the contract price as provided in said contract and as provided in Article 5160 of the Revised Civil Statutes of Texas, and that by reason of the failure to hold and pay off the sum of \$1,861.20, which was due Franklin Brothers, the said Abilene Plumbing Supply Company, Inc., lost said amount; now, therefore, be it

Resolved, That Abilene Plumbing Supply Company, Inc., be, and the same is hereby, authorized to sue the State of Texas and the members of the State Board of Control, and that service of process shall be had upon the Governor of the State of Texas and upon the members of the State Board of Control, and that said suit

may be filed in any court of competent jurisdiction in Travis County, Texas, the same as other civil suits, and this resolution shall be evidence of the consent of the State of Texas to be sued by said Abilene Plumbing Supply Company in an amount not to exceed \$1,861.20.

The resolution was read second time.

On motion of Mr. Alexander, the resolution was referred to the Committee on State Affairs.

#### MEMORIALIZING CONGRESS TO PASS THE FRAZIER BILL

Mr. Wells offered the following resolution:

Whereas, Senator Frazier of our National Congress has introduced Senate Bill No. 1197; and

Whereas, The passage of this measure would tend to liquidate and re-finance agricultural indebtedness and to rehabilitate agriculture by establishing an efficient credit system through which the unjust and unequal burdens placed upon agriculture during the period of price deflation may be lightened by providing for liquidation and refinancing of farm mortgages and farm indebtedness at a reduced rate of interest; and

Whereas, We believe that Senate Bill No. 1197, sponsored by Senator Frazier, now before Congress, will fill this need; therefore, be it

Resolved by the Legislature of the State of Texas, That we do hereby memorialize Congress to seriously consider this measure, and, if possible, to give it favorable action in the belief that it will tend greatly to relieve our farmers of the burdens they are now laboring under.

WELLS,  
GRAVES,  
MITCHAM,  
STEWART,  
TARWATER,  
HANKAMER.

The resolution was read second time, and was adopted.

#### HOUSE BILL NO. 213 ON SECOND READING

On motion of Mr. Holloway, by unanimous consent of the House, the

regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 213, A bill to be entitled "An Act providing that the administrative control of the State of Texas over all matters pertaining to the production, transportation by pipe line, and storage of crude oil petroleum, and the production, transportation, and regulation of rates and charges for distributing, buying, selling, and delivering natural gas be vested in the Natural Resource Commission of the State of Texas; creating said Natural Resource Commission of the State of Texas to consist of three persons, etc.; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Huddleston offered the following amendment to the bill:

Amend House Bill No. 213, Section 6, page 3, line 13, by striking out the figures "\$6,000" where they appear, and substitute in lieu thereof the figures "\$4,000."

HUDDLESTON,  
GLASS.

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 213 by striking out lines 20 and 21, page 2, the following words: "regulation of rates and charges for distributing, buying, selling, and"

VAN ZANDT,  
POPE.

(Pending consideration of the amendment by Mr. Van Zandt, Mr. Latham occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Barron moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment, it was lost.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 213 by inserting between Sections 15 and 16 a new Section, to be designated Section 15-a, to read as follows:

"Section 15-a. That all laws or parts of laws which authorize the Railroad Commission of Texas or any of its departments to regulate the rates and charges for distribution, buying, and selling of natural gas in this State are hereby expressly repealed."

On motion of Mr. Wagstaff, the amendment was tabled.

## SENATE BILL NO. 489 ON SECOND READING

By unanimous consent of the House, the Twenty-four-hour House Rule, relative to printed bills, was suspended for the purpose of considering, at this time, Senate Bill No. 489.

Mr. Goodman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 489 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Adamson.	Glass.
Aikin.	Golson.
Alexander.	Good.
Alsup.	Goodman.
Anderson	Haag.
of Johnson.	Hankamer.
Baker.	Harris.
Barron.	Harrison.
Beck.	Hartzog.
Bedford.	Head.
Bourne.	Hester.
Bradley.	Hicks.
Burns.	Hill of Brazoria.
Butler.	Hill of Webb.
Calvert.	Hodges.
Camp.	Holekamp.
Canon.	Holland.
Cathey.	Huddleston.
Chastain.	Hughes.
Colson.	Hunt.
Cowley.	Hyder.
Crossley.	Jackson.
Daniel.	James.
Davidson.	Jefferson.
Dean.	Johnson
Devall.	of Anderson.
Dunlap.	Jones of Runnels.
Dunagan.	Jones of Shelby.
Dwyer.	Kayton.
Fain.	Kyle of Hays.
Few.	Kyle of Palo Pinto.
Fisher.	Laird.
Ford.	Latham.
Fuchs.	Lemens.

Leonard.	Roberts.
Lindsey.	Rogers of Hunt.
Lotief.	Rogers
Magee.	of Ochiltree.
Mathis.	Ross.
McClain.	Scott.
McCullough.	Shannon.
McDougald.	Shults.
McGregor.	Smith.
McKee.	Stanfield.
Metcalfe.	Steward.
Mitcham.	Stinson.
Moore.	Stovall.
Morrison.	Sullivan.
Nicholson.	Tarwater.
Palmer.	Thomas.
Patterson.	Tillery.
Pavlica.	Townsend.
Pope.	Turlington.
Puryear.	Van Zandt.
Ramsey.	Wagstaff.
Ratliff.	Walker.
Ray.	Weinert.
Reader.	Wells.
Reed of Bowie.	West.
Reed of Dallas.	Winningham.
Renfro.	Wood.
Riddle.	Young.

## Nays—5

Caven.	Munson.
Coombes.	Vaughan.
Morse.	

## Absent

Duvall.	Long.
Graves.	Parkhouse.
Greathouse.	Rollins.
Holloway.	Savage.
Hoskins.	Scarborough.
Jones of Atascosa.	Tennyson.

## Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

The Speaker then, by unanimous consent, laid before the House, on its second reading and passage to third reading,

S. B. No. 489, A bill to be entitled "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any

power of sale of real, personal, or mixed property for debt now advertised to be made on April 4, 1933, or which was advertised for sale on March 7, 1933, but which sale was stayed and postponed for a period of four weeks by Senate Bill No. 418, passed at the Regular Session of the Forty-third Legislature, until August 1, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on March 7, 1933 or such sale on August 1, 1933; providing that all sales under execution, order of sale, or any deed of trust, mortgage, or other contract giving or granting any power of sale of real, personal, or mixed property for debt made prior to August 1, 1931, and after the effective date of this Act, shall be void; extending the time for return, and declaring an emergency."

The bill was read second time.

Mr. Moore offered the following amendment to the bill:

Amend Senate Bill No. 489 by adding Section 2-a, to read as follows:

"Section 2-a. Provided that this Act shall not apply to sales under deeds of trust where all parties agree in writing to such sales subsequent to the passage of this Act; nor to sales made under agreed judgments; nor to sales where the party whose interest is being sold has abandoned the property to be sold; nor to sales where the notes on which such sales are based are more than two years past due."

MOORE,  
MORSE.

On motion of Mr. McGregor, the amendment was tabled.

Senate Bill No. 489 was then passed to third reading.

## SENATE BILL NO. 489 ON THIRD READING

The Speaker then laid Senate Bill No. 489 before the House on its third reading and final passage.

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

Senate Bill No. 489 was then passed by the following vote:

## Yeas—116

Adamson.	Kyle of Palo Pinto.
Aikin.	Laird.
Alexander.	Latham.
Alsup.	Lemens.
Anderson	Leonard.
of Johnson.	Lindsey.
Baker.	Long.
Barron.	Lotief.
Beck.	Magee.
Bourne.	Mathis.
Bradley.	McClain.
Burns.	McCullough.
Butler.	McDougald.
Calvert.	McGregor.
Camp.	McKee.
Canon.	Metcalfe.
Cathey.	Mitcham.
Chastain.	Morrison.
Colson.	Nicholson.
Cowley.	Palmer.
Crossley.	Patterson.
Daniel.	Pavlica.
Dean.	Pope.
Devall.	Puryear.
Dunlap.	Ramsey.
Dunagan.	Ratliff.
Dwyer.	Reader.
Fain.	Reed of Bowie.
Few.	Reed of Dallas.
Fisher.	Renfro.
Fuchs.	Riddle.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Goodman.	Rogers
Haag.	of Ochiltree.
Hankamer.	Ross.
Harris.	Scarborough.
Hartzog.	Scott.
Head.	Shannon.
Hester.	Shults.
Hicks.	Smith.
Hill of Brazoria.	Stanfield.
Hill of Webb.	Stinson.
Hodges.	Stovall.
Holekamp.	Sullivant.
Holland.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Thomas.
Hughes.	Tillery.
Hunt.	Townsend.
Hyder.	Turlington.
Jackson.	Van Zandt.
James.	Wagstaff.
Johnson	Weinert.
of Anderson.	Wells.
Jones of Atascosa.	West.
Jones of Runnels.	Winningham.
Jones of Shelby.	Wood.
Kayton.	Young.
Kyle of Hays.	

## Nays—9

Bedford.	Coombes.
Caven.	Davidson.

Ford.  
Morse.  
Munson.

Vaughan.  
Walker.

## Absent

Duvall.	Moore.
Good.	Parkhouse.
Graves.	Ray.
Greathouse.	Rollins.
Harrison.	Savage.
Holloway.	Steward.
Jefferson.	

## Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

## RECESS

Mr. Parkhouse moved that the House recess to 2 o'clock p. m., today.

Mr. Rogers of Ochiltree moved that the House recess to 2:30 o'clock p. m., today.

The motion of Mr. Parkhouse prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

### COMMUNICATION FROM BUILDING TRADES COUNCIL OF HOUSTON

On motion of Mr. Moore, the following communication was ordered printed in the Journal:

Building Trades Council  
of Houston and Vicinity

Houston, Texas, March 31, 1933.

Hon. Coke Stevenson, Speaker, and the House of Representatives, State of Texas.

Greetings: We desire to express to the House of Representatives our sincere appreciation for the passage of the Prevailing Wage Law, recently passed by the House, without a dissenting vote.

In our opinion it is remarkable that there was not one vote recorded against this bill.

The passage of legislation of this character at this time, when labor has been exploited by unscrupulous contractors, gives renewed hope and confidence to the laboring class in Texas, and it is pleasing to know that there are still some who have the courage and desire to give labor some assistance in their struggle to maintain some semblance of a wage structure, and decent living conditions.

We respectfully request that this letter be read before the House of Representatives and, if consistent, that it be made part of the record.

May we again express our appreciation, to the entire House of Representatives, for their notable action in the passage of this bill.

With very best wishes, we are  
BUILDING TRADES COUNCIL  
of Houston and Vicinity,

By A. S. McBride, Secretary.

#### INVITATION FROM REPRESENTATIVE LADIES' CLUB

The Speaker laid before the House, and had read, the following invitation:

"The members of the Ladies' Representative Club are entertaining all Members of the House with a dinner at the Driskill Hotel tomorrow evening, Tuesday, April 4, at 7 o'clock.

"In as much as the Representative Ladies' Club have spent a great deal of time and have made arrangements and preparations to make the evening an enjoyable success, they request that the Members of the House postpone all committee meetings or Sessions of the House for Tuesday evening, so that all Members will feel free to attend this entertainment.

"This will be the only entertainment for all Members of the House, sponsored by the Representative Ladies during this Session. An interesting program of entertainment has been provided. Mrs. T. H. McGregor, chairman of the program committee, announces as the after-dinner speaker, Rabbi Barron, noted for his wit and humor, and clever presentation of his review of the well-known Broadway play, 'Of Thee I Sing,' a satire on American politics. There will be several specialty numbers by the Lester Brenizer School of

Music. Everybody enjoys a good male quartet. After the program, dancing and bridge will be provided for those who care for such entertainment.

"Come and enjoy the evening. Eat together! Sing together! And laugh together! It will inspire a brotherly understanding of all legislative problems confronting you.

"Tickets may be secured from Mrs. McKee, Mrs. Morrison, Mrs. Jefferson, Mrs. Bob Long, and Mrs. Adamson.

"Come, and bring a guest. Come, and let's spend an evening together. Tuesday evening at the Driskill. The only entertainment for all Members of the House during this Session."

On motion of Mr. Mathis, the House accepted the invitation.

#### HOUSE BILL NO. 213 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 213, creating a Natural Resource Commission, on its passage to engrossment; the bill having heretofore been read second time.

Mr. Burns offered the following amendment to the bill:

Amend House Bill No. 213, page 2, line 32, after the word "years": "Provided, the members of said Commission shall be elected at the general election in 1934, and shall be elected for the length of terms as provided for in said bill, and all members shall run for election at the general election in 1934."

Mr. Alsop offered the following substitute for the amendment by Mr. Burns:

Substitute for Burns' amendment to House Bill No. 213 by striking out all of Section 2, and inserting in lieu thereof the following:

"Section 2. The Natural Resource Commission of the State of Texas, hereinafter called 'Commission,' is hereby created. At the next general election, after this Act shall become effective, there shall be elected one Commissioner who shall serve for a period of two years, and one Commissioner shall be elected who shall serve for a period of four years, and one Commissioner who shall serve for a period of six years. At the expiration of the above terms there shall be elected biennially, at each general



election, one Commissioner who shall serve for a term of six years. Immediately after this Act shall become effective, the Governor shall, with the approval of the Senate, appoint the three members of said Commission. The terms of office of the elective Commissioners shall begin on January 1, 1935, and the terms of office of the appointed Commissioners shall expire on January 1, 1935. The members of said Commission shall, by a majority vote, elect one member chairman of the Commission."

ALSUP,  
THOMAS.

Mr. Barron moved to table the substitute amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—52

Alexander.	McKee.
Barron.	Metcalfe.
Bradley.	Moore.
Coombes.	Morse.
Crossley.	Nicholson.
Dunlap.	Parkhouse.
Dunagan.	Patterson.
Fisher.	Pavlica.
Hankamer.	Ramsey.
Hartzog.	Ratliff.
Hester.	Reed of Dallas.
Hill of Brazoria.	Renfro.
Hill of Webb.	Riddle.
Holekamp.	Savage.
Holloway.	Shannon.
Hughes.	Smith.
Hyder.	Steward.
Jefferson.	Stinson.
Johnson	Tennyson.
of Anderson.	Turlington.
Kayton.	Van Zandt.
Kyle of Palo Pinto.	Wagstaff.
Latham.	Walker.
Long.	Weinert.
Mathis.	Wells.
McDougald.	Young.
McGregor.	

#### Nays—68

Adamson.	Cathey.
Aikin.	Caven.
Alsup.	Chastain.
Anderson	Cowley.
of Johnson.	Daniel.
Baker.	Davidson.
Bedford.	Dean.
Bourne.	Dwyer.
Burns.	Fain.
Butler.	Few.
Calvert.	Ford.
Canon.	Fuchs.

Glass.	Munson.
Golson.	Pope.
Good.	Puryear.
Goodman.	Ray.
Graves.	Reed of Bowie.
Harris.	Roberts.
Head.	Rogers of Hunt.
Hicks.	Rogers
Hodges.	of Ochiltree.
Hoskins.	Rollins.
Huddleston.	Ross.
Hunt.	Scarborough.
James.	Scott.
Jones of Runnels.	Shults.
Jones of Shelby.	Stanfield.
Kyle of Hays.	Stovall.
Laird.	Sullivant.
Lemens.	Tarwater.
Lindsey.	Thomas.
Lotief.	Townsend.
Magee.	Vaughan.
McClain.	Winningham.
Mitcham.	Wood.

#### Absent

Beck.	Jackson.
Camp.	Jones of Atascosa.
Colson.	Leonard.
Devall.	McCullough.
Duvall.	Morrison.
Greathouse.	Palmer.
Haag.	Reader.
Harrison.	Tillery.
Holland.	West.

#### Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

Question next recurring on the substitute amendment, yeas and nays were demanded.

The substitute amendment was then adopted by the following vote:

#### Yeas—65

Adamson.	Daniel.
Aikin.	Davidson.
Alsup.	Dean.
Anderson	Dwyer.
of Johnson.	Fain.
Baker.	Few.
Bedford.	Fisher.
Bourne.	Ford.
Burns.	Fuchs.
Canon.	Glass.
Cathey.	Golson.
Caven.	Good.
Chastain.	Goodman.
Cowley.	Graves.

Hankamer.	Reed of Bowie.
Harris.	Reed of Dallas.
Head.	Roberts.
Hicks.	Rogers of Hunt.
Huddleston.	Rogers
Hunt.	of Ochiltree.
Hyder.	Rollins.
James.	Ross.
Jones of Runnels.	Scott.
Jones of Shelby.	Shults.
Kyle of Hays.	Stanfield.
Lemens.	Stovall.
Lindsey.	Sullivan.
Lotief.	Thomas.
Magee.	Townsend.
McClain.	Vaughan.
Mitcham.	Wells.
Munson.	Winningham.
Pope.	Wood.
Puryear.	

## Nays—50

Alexander.	Morse.
Barron.	Nicholson.
Bradley.	Palmer.
Butler.	Parkhouse.
Camp.	Patterson.
Coombes.	Pavlica.
Crossley.	Ramsey.
Dunlap.	Ratliff.
Dunagan.	Ray.
Hartzog.	Reader.
Heater.	Renfro.
Hill of Brazoria.	Riddle.
Hill of Webb.	Savage.
Holekamp.	Shannon.
Holloway.	Smith.
Hughes.	Steward.
Jefferson.	Stinson.
Johnson	Tennyson.
of Anderson.	Turlington.
Kyle of Palo Pinto.	Van Zandt.
Latham.	Wagstaff.
Long.	Walker.
Mathis.	Weinert.
McDougald.	West.
McGregor.	Young.
Moore.	

## Absent

Beck.	Jones of Atascosa.
Calvert.	Kayton.
Colson.	Laird.
Devall.	Leonard.
Duvall.	McCullough.
Greathouse.	McKee.
Haag.	Metcalfe.
Harrison.	Morrison.
Hodges.	Scarborough.
Holland.	Tarwater.
Hoskins.	Tillery.
Jackson.	

## Absent—Excused

Anderson	Clayton.
of Bexar.	Engelhard.
Barrett.	Griffith.

Harman.	Merritt.
Johnson	Moffett.
of Dimmit.	Russell.
Mackay.	

Question then recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was then adopted by the following vote:

## Yeas—68

Adamson.	Jones of Runnels.
Alsup.	Jones of Shelby.
Anderson	Kyle of Hays.
of Johnson.	Laird.
Baker.	Lemens.
Bedford.	Leonard.
Bourne.	Lindsey.
Burns.	Lotief.
Canon.	Magee.
Cathey.	McClain.
Caven.	Mitcham.
Chastain.	Munson.
Cowley.	Palmer.
Crossley.	Pope.
Daniel.	Puryear.
Davidson.	Ratliff.
Dean.	Ray.
Duvall.	Reed of Bowie.
Dwyer.	Roberts.
Fain.	Rogers
Fisher.	of Ochiltree.
Ford.	Rollins.
Fuchs.	Ross.
Glass.	Scarborough.
Good.	Shults.
Goodman.	Stanfield.
Hankamer.	Stovall.
Harris.	Sullivan.
Head.	Thomas.
Hicks.	Townsend.
Hoskins.	Vaughan.
Huddleston.	Weinert.
Hunt.	Wells.
Hyder.	Winningham.
James.	Wood.

## Nays—47

Aikin.	Jefferson.
Alexander.	Johnson
Barron.	of Anderson.
Bradley.	Kayton.
Butler.	Kyle of Palo Pinto.
Camp.	Latham.
Coombes.	Long.
Dunlap.	Mathis.
Dunagan.	McDougald.
Hartzog.	McGregor.
Hester.	Metcalfe.
Hill of Brazoria.	Moore.
Hill of Webb.	Nicholson.
Holekamp.	Parkhouse.
Holloway.	Pavlica.
Hughes.	Ramsey.

Reed of Dallas.	Tennyson.
Renfro.	Tillery.
Riddle.	Turlington.
Savage.	Van Zandt.
Shannon.	Wagstaff.
Smith.	Walker.
Steward.	West.
Stinson.	Young.

## Absent

Beck.	Jackson.
Calvert.	Jones of Atascosa.
Colson.	McCullough.
Devall.	McKee.
Few.	Morrison.
Golson.	Morse.
Graves.	Patterson.
Greathouse.	Reader.
Haag.	Rogers of Hunt.
Harrison.	Scott.
Hodges.	Tarwater.
Holland.	

## Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

Mr. Alsup moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Lemens moved to reconsider the vote by which the amendment by Mr. Van Zandt, offered on this morning, was lost.

Mr. Barron moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

## Yeas—64

Aikin.	Duvall.
Alexander.	Dwyer.
Alsup.	Fuchs.
Barron.	Greathouse.
Bedford.	Hankamer.
Bradley.	Hartzog.
Burns.	Hester.
Camp.	Hill of Brazoria.
Canon.	Holekamp.
Cathey.	Holloway.
Chastain.	Hyder.
Coombes.	Johnson
Cowley.	of Anderson.
Daniel.	Jones of Atascosa.
Davidson.	Jones of Shelby.
Dunlap.	Kayton.
Dunagan.	Kyle of Hays.

Latham.	Reed of Bowie.
Long.	Reed of Dallas.
Mathis.	Renfro.
McClain.	Riddle.
McCullough.	Scarborough.
McDougald.	Shannon.
McGregor.	Smith.
McKee.	Steward.
Munson.	Stinson.
Nicholson.	Tennyson.
Palmer.	Wagstaff.
Parkhouse.	Weinert.
Pavlica.	West.
Ramsey.	Winningham.
Ratliff.	Young.
Ray.	

## Nays—62

Adamson.	Leonard.
Anderson	Lindsey.
of Johnson.	Lotief.
Baker.	Magee.
Bourne.	Metcalfe.
Butler.	Mitcham.
Calvert.	Moore.
Caven.	Morrison.
Crossley.	Patterson.
Dean.	Pope.
Fain.	Puryear.
Fisher.	Roberts.
Ford.	Rogers of Hunt.
Glass.	Rogers
Golson.	of Ochiltree.
Good.	Rollins.
Goodman.	Ross.
Harris.	Savage.
Harrison.	Scott.
Head.	Shults.
Hicks.	Stanfield.
Holland.	Stovall.
Hoskins.	Sullivant.
Huddleston.	Tarwater.
Hughes.	Thomas.
Hunt.	Tillery.
James.	Townsend.
Jefferson.	Van Zandt.
Jones of Runnels.	Vaughan.
Kyle of Palo Pinto.	Walker.
Laird.	Wells.
Lemens.	Wood.

## Present—Not Voting

Turlington.

## Absent

Beck.	Hill of Webb.
Colson.	Hodges.
Devall.	Jackson.
Few.	Morse.
Graves.	Reader.
Haag.	

## Absent—Excused

Anderson	Clayton.
of Bexar.	Engelhard.
Barrett.	Griffith.

Harman.  
Johnson  
of Dimmit.  
Mackay.

Merritt.  
Moffett.  
Russell.

Mr. Camp offered the following amendment to the bill:

Amend House Bill No. 213, page 2, line 28, by adding after the word "consent," the following: "of a two-thirds vote of the Senate present."

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 213 by striking out of Section 7, page 3, the following parts of lines 33 and 34, to wit: "buying, selling, delivering, and rates to be charged therefor."

VAN ZANDT,  
SULLIVANT,  
POPE.

Mr. Graves moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment, yeas and nays were demanded:

The amendment was lost by the following vote:

Yeas—57

Adamson.	Lindsey.
Anderson	Lotief.
of Johnson.	Magee.
Baker.	Mitcham.
Beck.	Moore.
Bedford.	Morrison.
Bourne.	Palmer.
Butler.	Pope.
Dean.	Puryear.
Dwyer.	Reed of Bowie.
Fain.	Roberts.
Few.	Rogers of Hunt.
Fisher.	Rogers
Ford.	of Ochiltree.
Fuchs.	Ross.
Glass.	Savage.
Golson.	Scott.
Good.	Shults.
Goodman.	Stanfield.
Hankamer.	Stovall.
Harris.	Sullivant.
Harrison.	Tarwater.
Hicks.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hunt.	Townsend.
James.	Van Zandt.
Jones of Atascosa.	Vaughan.
Jones of Runnels.	Wood.
Lemens.	

Nays—62

Aikin.	Kyle of Hays.
Alexander.	Kyle of Palo Pinto.
Alsup.	Latham.
Barron.	Long.
Bradley.	Mathis.
Burns.	McClain.
Calvert.	McCullough.
Camp.	McDougald.
Canon.	McGregor.
Caven.	Morse.
Chastain.	Munson.
Colson.	Nicholson.
Coombes.	Parkhouse.
Crossley.	Patterson.
Daniel.	Pavlica.
Davidson.	Ramsey.
Devall.	Ratliff.
Dunlap.	Ray.
Dunagan.	Reader.
Graves.	Reed of Dallas.
Greathouse.	Riddle.
Hartzog.	Smith.
Head.	Steward.
Hester.	Stinson.
Hill of Brazoria.	Turlington.
Hill of Webb.	Wagstaff.
Holekamp.	Walker.
Holloway.	Weinert.
Hughes.	Wells.
Hyder.	West.
Johnson	Young.
of Anderson.	

Absent

Cathey.	Laird.
Cowley.	Leonard.
Duvall.	McKee.
Haag.	Metcalfe.
Hodges.	Renfro.
Holland.	Rollins.
Jackson.	Scarborough.
Jefferson.	Shannon.
Jones of Shelby.	Winningham.
Kayton.	

Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

Mr. Barron moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—61

Aikin.	Mathis.
Alexander.	McClain.
Alsup.	McCullough.
Barron.	McDougald.
Bradley.	McGregor.
Calvert.	Morse.
Camp.	Munson.
Caven.	Nicholson.
Colson.	Parkhouse.
Coombes.	Patterson.
Crossley.	Pavlica.
Daniel.	Ramsey.
Devall.	Ratliff.
Dunlap.	Ray.
Dunagan.	Reader.
Graves.	Reed of Dallas.
Greathouse.	Renfro.
Hartzog.	Riddle.
Head.	Rogers of Hunt.
Hester.	Savage.
Hill of Brazoria.	Shannon.
Hill of Webb.	Shults.
Holloway.	Smith.
Hughes.	Steward.
Hyder.	Stinson.
Johnson	Turlington.
of Anderson.	Wagstaff.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Wells.
Latham.	Winningham.
Long.	Young.

## Nays—60

Adamson.	Hunt.
Anderson	James.
of Johnson.	Jones of Atascosa.
Baker.	Jones of Runnels.
Beck.	Lemens.
Bedford.	Lindsey.
Bourne.	Lotief.
Burns.	Magee.
Butler.	Metcalfe.
Chastain.	Mitcham.
Cowley.	Moore.
Davidson.	Morrison.
Dean.	Palmer.
Dwyer.	Pope.
Fain.	Puryear.
Few.	Reed of Bowie.
Fisher.	Roberts.
Ford.	Rogers
Fuchs.	of Ochiltree.
Glass.	Ross.
Golson.	Scarborough.
Good.	Scott.
Goodman.	Stanfield.
Hankamer.	Stovall.
Harris.	Sullivan.
Harrison.	Tarwater.
Hicks.	Tennyson.
Hoskins.	Thomas.
Huddleston.	Townsend.

Van Zandt.  
Vaughan.

Walker.  
Wood.

## Absent

Canon.	Jones of Shelby.
Cathey.	Kayton.
Duvall.	Laird.
Haag.	Leonard.
Hodges.	McKee.
Holekamp.	Rollins.
Holland.	Tillery.
Jackson.	West.
Jefferson.	

## Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

Mr. Coombes raised the following point of order on the consideration of House Bill No. 213:

I raise the point of order against House Bill No. 213 that said bill is violative of Sections 30 and 30-a, of Article XVI, of the Constitution; Section 2 of said bill fixes the term of office of the Commissioners at six years, and this Commission is not "such board" within the meaning of that term as used in Section 30-a, Article XVI, as limited by the rule of ejusdem generis.

The Speaker overruled the point of order.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 213 by adding a new Section immediately following Section 15, at page 5, such added Section to be known as Section 15-a, and reading as follows:

"Section 15-a. Subsection 1, of Section 8-a, of Chapter 40, of the Acts of the Forty-second Legislature, at its Second Called Session, creating the Board of Mineral Development, is hereby repealed in so far as the same creates said Board, and all of the rights, powers, privileges, duties, and authority, imposed by law upon said Board of Mineral Development, are hereby transferred to and invested in the Commission created by this Act. All laws applicable and referring to the Board of Mineral Development are likewise amended so as to refer to the Commission, hereby

created, in lieu of said Board of Mineral Development."

VAN ZANDT,  
BARRON,  
SULLIVANT.

The amendment was adopted.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 213 by adding a new Section immediately following Section 15, at page 5, such added Section to be known as Section 15-b, and reading as follows:

"Section 15-b. Chapter 171, of the General Laws of the Thirty-third Legislature, and Chapter 88, of the laws of the Thirty-fifth Legislature, in so far as the same create the Board of Water Engineers, are hereby repealed, in so far as the same create said Board, and all of the rights, powers, privileges, duties, and authority, imposed by law upon said Board of Water Engineers, are hereby transferred to and invested in the Commission created by this Act. All laws applicable and referring to the Board of Water Engineers are likewise amended so as to refer to the Commission hereby created in lieu of said Board of Water Engineers, except that Articles 7475, 7477, 7478, 7479, 7480, 7481, 7482, 7483, 7484, 7485, and 7487, of the Revised Civil Statutes of Texas of 1925, are hereby repealed."

Amend the caption to conform to the body of the bill.

VAN ZANDT,  
BARRON,  
SULLIVANT.

Mr. West moved to table the amendment.

Mr. Daniel raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Huddleston moved that the bill be laid on the table subject to call.

The motion was lost by the following vote:

Yeas—51

Adamson.	Burns.
Anderson	Butler.
of Johnson.	Caven.
Baker.	Chastain.
Beck.	Daniel.
Bedford.	Davidson.
Bourne.	Dwyer.

Fain.	Lindsey.
Few.	Magee.
Fisher.	Munson.
Ford.	Palmer.
Golson.	Pope.
Goodman.	Puryear.
Greathouse.	Rogers
Haag.	of Ochiltree.
Harrison.	Ross.
Hicks.	Scarborough.
Huddleston.	Shults.
Hughes.	Stanfield.
Hunt.	Stinson.
James.	Stovall.
Johnson	Sullivan.
of Anderson.	Thomas.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Van Zandt.
Lemens.	Vaughan.
Leonard.	Wood.

Nays—77

Aikin.	Mathis.
Alexander.	McClain.
Alsup.	McCullough.
Barron.	McDougald.
Bradley.	McGregor.
Calvert.	McKee.
Canon.	Metcalfe.
Cathey.	Mitcham.
Colson.	Moore.
Coombes.	Morrison.
Cowley.	Morse.
Crossley.	Nicholson.
Dean.	Parkhouse.
Devall.	Patterson.
Dunlap.	Pavlica.
Dunagan.	Ramsey.
Fuchs.	Ratliff.
Glass.	Ray.
Good.	Reed of Bowie.
Graves.	Reed of Dallas.
Hankamer.	Renfro.
Harris.	Riddle.
Hartzog.	Rogers of Hunt.
Hester.	Savage.
Hill of Brazoria.	Shannon.
Hodges.	Smith.
Holekamp.	Steward.
Holland.	Tarwater.
Holloway.	Tennyson.
Hyder.	Tillery.
Jackson.	Turlington.
Jones of Shelby.	Wagstaff.
Kayton.	Walker.
Kyle of Hays.	Weinert.
Kyle of Palo Pinto.	Wells.
Laird.	West.
Latham.	Winningham.
Long.	Young.
Lotief.	

Absent

Camp.	Hill of Webb.
Duvall.	Hoskins.
Head.	Jefferson.

Reader.  
Roberts.

Rollins.  
Scott.

Absent—Excused

Anderson  
of Bexar.  
Barrett.  
Clayton.  
Engelhard.  
Griffith.  
Harman.

Johnson  
of Dimmit.  
Mackay.  
Merritt.  
Moffett.  
Russell.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 213 by adding a new Section immediately following Section 15, page 5, such added Section to be known as Section 15-c, and reading as follows:

"Section 15-c. Articles 7960 to 7971, both inclusive, of the Revised Civil Statutes of Texas for 1925, in so far as they create the office of State Reclamation Engineer, are hereby repealed, in so far as such office is created, and all of the rights, powers, privileges, duties, and authority, imposed by law upon said State Reclamation Engineer, are hereby transferred to and invested in the Commission created by this Act. All laws applicable and referring to the State Reclamation Engineer are likewise amended so as to refer to the Commission hereby created in lieu of said State Reclamation Engineer."

Mr. Daniel raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Van Zandt offered the following amendment to the bill:

Amend House Bill No. 213 by adding a new Section immediately following Section 15, page 5, such added Section to be known as Section 15-d, and reading as follows:

"Section 15-d. Sections 10 and 11, of Article 2613, of the Revised Civil Statutes of Texas for 1925, in so far as they create the office of State Forester, are hereby repealed, in so far as such office is created, and all of the rights, powers, privileges, duties, and authority, imposed by law upon said State Forester, are hereby transferred to and invested in the Commission created by this Act. All laws applica-

ble and referring to said State Forester are likewise amended so as to refer to the Commission hereby created in lieu of said State Forester, except that the Board of Directors of Agricultural and Mechanical College, at Bryan, Texas, shall have no control over the Commission in performing its duties, but the Commission shall work with said Board of Directors in performing the duties heretofore performed by the State Forester."

VAN ZANDT,  
BARRON,  
SULLIVANT.

Mr. Burns raised a point of order on further consideration of the amendment at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Kayton offered the following amendment to the bill:

Amend House Bill No. 213, page 4, line 1, by changing figures "\$3,000" to "\$2,400."

Mr. Coombes raised the following point of order:

"I raise the point of order that Section 9, of House Bill No. 213 is violative of Section 36, of Article III, of the Constitution, because said Section of said bill seeks to amend certain laws by reference to their title."

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Kayton, it was adopted.

Mr. Kayton offered the following amendments to the bill:

(1)

Amend House Bill No. 213, page 4, lines 2 and 3, by changing the figures "\$1,500" to read: "none to exceed \$110 per month, on a basis of \$100 per month," and strike out words "per annum" in line 3.

(2)

Amend House Bill No. 213, page 4, lines 4 and 5, by changing figures "\$2,400" to read: "none to exceed \$110 per month, on a basis of \$100 per month," and strike out the words "per annum" in line 5.

The amendments were severally adopted.

Mr. Calvert offered the following amendment to the bill:

Amend House Bill No. 213, page 2, by adding a new Section, to be known as Section 2-a, immediately following Section 2, to read as follows:

"Section 2-a. Immediately upon the taking effect of this Act, the Attorney General of the State of Texas shall nominate three persons to the Governor, from which three persons so nominated, the Governor shall select one person to be appointed by him as a member of such Commission; the major oil companies operating in Texas shall nominate three persons to the Governor, from which the Governor shall select one person, to be appointed by him, as a member of such Commission; and the independent oil operators operating in the State of Texas shall nominate three persons to the Governor, from which three persons so nominated the Governor shall select one person, to be appointed by him, as a member of such Commission. All such appointments shall be by and with the advice and consent of the Senate of Texas, as provided in Section 2 hereof."

CALVERT,  
WELLS,  
GRAVES,  
RIDDLE.

Mr. Barron raised a point of order on further consideration of the amendment, on the ground that it violates certain provisions of the Constitution.

The Speaker sustained the point of order.

Mr. Canon offered the following amendment to the bill:

Amend House Bill No. 213 by adding, after line 23, in Section 1, page 2, the following: "Provided, however, that nothing herein contained shall affect any existing powers or rights of cities and towns in the regulation and control of gas utilities."

CANON,  
HOSKINS.

Question recurring on the amendment, it was adopted.

Mr. Barron offered the following amendment to the bill:

Amend House Bill No. 213 by adding, after line 23 of Section 1, as amended, page 2, the following: "By providing further that there shall be

included herein the enforcement and administration of all existing laws relating to the conservation, preservation, and control of all natural resources of the State," and amend the caption accordingly.

BARRON,  
HARTZOG,  
LATHAM,  
DUNAGAN.

Mr. Burns offered the following amendment to the amendment:

Amend the amendment by providing that the provisions of this amendment shall not apply to timber.

Question—Shall the amendment by Mr. Burns be adopted?

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 3, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 489 by the following vote: Yeas, 29; nays, 0.

The Senate has passed

S. B. No. 263, A bill to be entitled "An Act authorizing the State Forester, under the general supervision of the Board of Directors of Agricultural and Mechanical College to co-operate and execute agreements with the Federal Forest Service, other Federal agencies, and timberland owners, involving co-operative forest protection and development projects when such action is required by Federal statute or policy; and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 489, "An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage, or other contract giving or granting any power of sale of real, personal, or mixed property for debt now advertised to be made on April 4, 1933, or which was advertised for sale on March 7, 1933, but which sale



was stayed and postponed for a period of four weeks by Senate Bill No. 418, passed at the Regular Session of the Forty-third Legislature, until August 1, 1933; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on March 7, 1933, or such sale on August 1, 1933; providing that all sales under execution, order of sale, or any deed of trust, mortgage, or other contract giving or granting any power of sale of real, personal, or mixed property for debt made prior to August 1, 1931, and after the effective date of this Act, shall be void; extending the time for return; and declaring an emergency."

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 263, to the Committee on Education.

#### SENATE BILL NO. 262 ON SECOND READING

On motion of Mr. Leonard, by unanimous consent, the regular order of business was suspended to take up, and have placed on its second reading and passage to third reading,

S. B. No. 262, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before February 1, 1931, due the State, any county, special school district, school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district, and other defined subdivisions of the State. Also cities, towns, and villages, provided said taxes are paid on or before September 1, 1933, etc.; and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Leonard offered the following amendment to the bill:

Amend Senate Bill No. 262 by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. Except as hereinafter provided, all interest and penalties and all costs that have accrued or that may accrue on or before July 1, 1933, on ad valorem and poll taxes that are delinquent on or before July 1, 1933, due the State and/or any county (and, subject to the provisions hereinbefore and hereinafter contained, such interest and penalties on delinquent ad valorem and poll taxes due cities, towns, villages, special school districts, independent school districts, common school districts, school districts, road districts, levee improvement districts, water improvement districts, water control and improvement districts, irrigation districts, drainage districts, navigation districts, and other defined subdivisions of the State) shall be, and the same are hereby, released, subject to the provisions hereinafter set out.

"The maturity date of all ad valorem and poll taxes which will be delinquent on and prior to July 1, 1933, is hereby extended to the dates and times hereinafter set out, subject, however, to the following conditions and contingencies:

"One-tenth of said ad valorem and poll taxes which will be delinquent on July 1, 1933, exclusive of penalties and interest already accrued, which are herein released, shall be paid on or before July 15, 1933, without interest or penalty. The remainder of said ad valorem and poll taxes on which penalties and interest are released at the beginning of this section may be paid in nine semi-annual installments, one of which shall be due on or before the fifteenth of December, 1933, and one each on the fifteenth of July and the fifteenth of December of each of the years of 1934, 1935, 1936, and 1937, with interest at the rate of six per cent (6%) per annum from July 1, 1933, on the principal sum of each installment; provided, however, that if the first installment is not paid on or before July 15, 1933, as above provided, then, and in that event, two-tenths of the total amount of ad valorem and poll taxes on which the penalties and interest are released at the beginning of this section, shall be paid on or before December 15, 1933, with interest on said two-tenths at the rate of six per cent (6%) per annum from July 1, 1933. Provided, however, that any such semi-annual

installment provided for shall not be less than one-tenth of the principal amount of ad valorem and poll taxes due, exclusive of interest as herein provided for.

It is specifically provided that the penalties and interest herein released on delinquent taxes are released contingent upon the payment of said delinquent taxes in accordance with the provisions of this Act, and the failure to pay two-tenths of said delinquent taxes on or before December 15, 1933, or one installment on any due date thereafter, as herein provided, shall, at once, make all installments due and delinquent and subject to the general laws of the State of Texas which govern the collection of delinquent taxes.

"Sec. 2. It is hereby specifically provided that the payment of all delinquent taxes for any one or more years affected by this Act shall be allowed on or before July 15, 1933, without interest or penalty, or on or before December 15, 1933, with interest at six per cent (6%) per annum from July 1, 1933. Thereafter, it shall be allowable to pay the total amount of said delinquent taxes at one time with interest at six per cent (6%) per annum from July 1, 1933, provided the provisions of Section 1 of this Act have been complied with up to the date of such payment of the entire balance due.

"Sec. 3. It is provided that the provisions of this Act shall not apply to cities, towns, villages, special school districts, independent school districts, common school districts, school districts, road districts, levee improvement districts, irrigation districts, drainage districts, navigation districts, and other defined subdivisions of the State, unless and until the governing body of any such city, town, village, special school district, independent school district, common school district, school district, road district, levee improvement district, irrigation district, drainage district, navigation district, and other defined subdivision of the State finds that unusual or excessive default in the payment of ad valorem or poll taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and/or poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution, or ordinance, evidencing such findings, and upon the

recording of such findings of fact the provisions of this Act shall be in full force and effect as to any such city, town, village, special school district, independent school district, common school district, school district, road district, levee improvement district, irrigation district, drainage district, navigation district, and other defined subdivision of the State.

"Sec. 4. In all cases where suits for the collection of delinquent taxes owing to the State and any county in this State have been heretofore filed and are now pending, or which may be hereafter filed and pending, on the docket of any district court in this State, and the court shall dismiss or abate same upon motion of the defendant, or of the county attorney, no costs of court nor any fees arising out of or incident to said suit shall be adjudged against any defendant or any property involved in such suit.

"Sec. 5. All laws or parts of laws in conflict herewith are hereby expressly suspended during the term of this Act, so far as they may affect this Act, except where there is failure to meet the provisions of this Act, which exception is contained in the last paragraph of Section 1 of this Act.

"Sec. 6. It is provided further that in the event any section, clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court or competent or final jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

"Sec. 7. Immediately upon the taking effect of this Act the State Comptroller shall prepare forms and instructions for the various tax collectors of this State, looking to the efficient and uniform enforcement of this Act, and shall forward a copy of such forms and instructions to each tax collector in this State within ten (10) days after the taking effect of this Act; and it shall be the duty of each and every tax collector of this State to adopt said forms in compliance with said rules and regulations of the State Comptroller, so far as the same may be practicable.

"Sec. 8. The widespread inability of property owners to meet the whole of their tax obligations at one time and the steadily mounting total of delinquent taxes create an emergency and an imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each House, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. Van Zandt moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment by Mr. Leonard, it was adopted.

Mr. Leonard offered the following amendment to the bill:

Amend Senate Bill No. 262 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"S. B. No. 262,

#### A BILL

#### To Be Entitled

An Act to release the penalties and interest on all ad valorem and poll taxes delinquent on or before July 1, 1933, due the State and/or any county (and, subject to the provisions of this Act, any cities, towns, villages, special school districts, independent school districts, common school districts, school districts, road districts, levee improvement districts, irrigation districts, drainage districts, navigation districts, and other defined subdivisions of the State), contingent upon the payment of such ad valorem and poll taxes as provided in this Act; providing the provisions of this Act shall be optional with the governing bodies of all political subdivisions except counties; extending the maturity date of all taxes delinquent on and prior to July 1, 1933, subject to the provisions of this Act; providing the means of payment of such taxes in a lump sum or in installments; providing penalties for failure to meet the provisions of this Act; providing for the release of defendants in tax suits from fees and costs in cases where such suits are dismissed or abated; providing for the

validity of this Act in event any portion should be adjudged invalid; providing for the suspension of all laws in conflict with this Act during the period covered hereby; directing the State Comptroller to furnish the tax collectors of the various counties with forms, and declaring an emergency."

The amendment was adopted.

Senate Bill No. 262 was then passed to third reading.

#### SENATE BILL NO. 262 ON THIRD READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 262 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson.	Harris.
Aikin.	Harrison.
Alexander.	Hartzog.
Alsup.	Head.
Anderson	Hicks.
of Johnson.	Hill of Brazoria.
Baker.	Hill of Webb.
Barron.	Hodges.
Beck.	Holekamp.
Bedford.	Holland.
Bourne.	Holloway.
Bradley.	Hoskins.
Burns.	Huddleston.
Butler.	Hughes.
Calvert.	Hunt.
Camp.	Hyder.
Canon.	Jackson.
Colson.	James.
Coombes.	Jefferson.
Cowley.	Jones of Atascosa.
Crossley.	Jones of Runnels.
Daniel.	Jones of Shelby.
Davidson.	Kayton.
Dean.	Kyle of Palo Pinto.
Devall.	Latham.
Dunlap.	Leonard.
Dunagan.	Lindsey.
Fain.	Long.
Few.	Lotief.
Fisher.	Magee.
Ford.	McClain.
Fuchs.	McCullough.
Glass.	McDougald.
Golson.	McKee.
Good.	Mitcham.
Goodman.	Moore.
Greathouse.	Morse.
Haag.	Palmer.
Hankamer.	Patterson.

Pavlica.	Shults.
Pope.	Smith.
Ratliff.	Stanfield.
Ray.	Steward.
Reed of Bowie.	Stinson.
Reed of Dallas.	Stovall.
Renfro.	Tarwater.
Riddle.	Tennyson.
Roberts.	Thomas.
Rogers of Hunt.	Townsend.
Rogers	Turlington.
of Ochiltree.	Vaughan.
Ross.	Wagstaff.
Savage.	Walker.
Scarborough.	Winningham.
Scott.	Young.
Shannon.	

## Nays—6

Kyle of Hays.	Rollins.
Munson.	Van Zandt.
Puryear.	Wood.

## Absent

Cathey.	McGregor.
Caven.	Metcalfe.
Chastain.	Morrison.
Duvall.	Nicholson.
Dwyer.	Parkhouse.
Graves.	Ramsey.
Hester.	Reader.
Johnson	Sullivant.
of Anderson.	Tillery.
Laird.	Weinert.
Lemens.	Wells.
Mathis.	West.

## Absent—Excused

Anderson	Johnson
of Bexar.	of Dimmit.
Barrett.	Mackay.
Clayton.	Merritt.
Engelhard.	Moffett.
Griffith.	Russell.
Harman.	

The Speaker then laid Senate Bill No. 262 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—107

Adamson.	Butler.
Aikin.	Canon.
Alexander.	Cathey.
Alsup.	Caven.
Anderson	Colson.
of Johnson.	Coombes.
Baker.	Cowley.
Barron.	Crossley.
Beck.	Daniel.
Bourne.	Davidson.
Bradley.	Dean.
Burns.	Devall.

Dunlap.	Magee.
Dunagan.	McClain.
Dwyer.	McCullough.
Fain.	McDougald.
Few.	McKee.
Fisher.	Mitcham.
Fuchs.	Palmer.
Glass.	Pavlica.
Golson.	Pope.
Good.	Ratliff.
Goodman.	Ray.
Greathouse.	Reed of Bowie.
Haag.	Reed of Dallas.
Hankamer.	Renfro.
Harris.	Roberts.
Harrison.	Rogers of Hunt.
Hartzog.	Rogers
Hicks.	of Ochiltree.
Hill of Brazoria.	Rollins.
Hill of Webb.	Ross.
Hodges.	Savage.
Holekamp.	Scarborough.
Holland.	Scott.
Hoskins.	Shannon.
Huddleston.	Shults.
Hughes.	Smith.
Hyder.	Stanfield.
Jackson.	Steward.
James.	Stinson.
Jefferson.	Stovall.
Johnson	Sullivant.
of Anderson.	Tarwater.
Jones of Atascosa.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Kayton.	Townsend.
Kyle of Palo Pinto.	Turlington.
Laird.	Van Zandt.
Latham.	Vaughan.
Leonard.	Wagstaff.
Lindsey.	Walker.
Long.	Winningham.
Lotief.	Young.

## Nays—11

Bedford.	Morse.
Camp.	Munson.
Ford.	Puryear.
Head.	Riddle.
Kyle of Hays.	Wood.
Metcalfe.	

## Absent

Calvert.	Moore.
Chastain.	Morrison.
Duvall.	Nicholson.
Graves.	Parkhouse.
Hester.	Patterson.
Holloway.	Ramsey.
Hunt.	Reader.
Lemens.	Weinert.
Mathis.	Wells.
McGregor.	West.

## Absent—Excused

Anderson	Barrett.
of Bexar.	Clayton.

Engelhard.	Mackay.
Griffith.	Merritt.
Harman.	Moffett.
Johnson	Russell.
of Dimmit.	

### MOTION TO TAKE UP SENATE BILL NO. 248

Mr. Pope moved that the regular order of business be suspended, to take up, and have placed on its third reading and final passage, Senate Bill No. 248.

The motion was lost.

### NOTICES GIVEN

Mr. Morse gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 262, which bill had heretofore been laid on the table subject to call.

Mr. Daniel gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 717, which bill had heretofore been laid on the table subject to call.

Mr. Pope gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 95, which bill had heretofore been laid on the table subject to call.

Mr. Jones of Atascosa gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 709, which bill had heretofore been laid on the table subject to call.

Mr. Van Zandt gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 144, which bill had heretofore been laid on the table subject to call.

Mr. Savage gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 12, which bill had heretofore been laid on the table subject to call.

### RECESS

Mr. Dwyer moved that the House recess to 9 o'clock a. m., tomorrow.

Mr. Daniel moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Scarborough moved that the House recess to 9:30 o'clock a. m., tomorrow.

The motion of Mr. Dwyer prevailed, and the House, accordingly, at 5:30 o'clock p. m., took recess to 9 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Counties: House Bills Nos. 799 and 826.

Judiciary: Senate Bill No. 489.

Common Carriers: House Bill No. 692.

Oil, Gas, and Mining: Senate Bill No. 92.

Game and Fisheries: House Bill No. 612.

Criminal Jurisprudence: House Bills Nos. 100 and 198.

Education: House Bills Nos. 835 and 861.

The Committee on Common Carriers filed adverse reports, with minority favorable reports, on House Bills Nos. 733 and 744.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 3, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 57, Requesting aid for certain counties damaged by cyclone,

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,

Austin, Texas, April 3, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 482, "An Act validating all cities and towns in Texas of five thousand (5,000) inhabitants, or less, heretofore incorporated and/or attempted, in good faith, to be incorporated under the general laws of Texas; and validating all governmental proceedings performed in good faith by the governing bodies of such cities and towns since their incorporation, or attempted incorporation, respectively; providing the provisions hereof shall affect no city or town now in litigation; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

## In Memory of Hon. Luther Nickels

Mr. Savage offered the following resolution:

Whereas, On April 1, A. D. 1933, Hon. Luther Nickels, of Dallas County, Texas, a former Member of this Body in the Thirty-first Legislature, departed this life; and

Whereas, The State of Texas has lost a most distinguished lawyer and citizen, who has served this State as a Member of the Legislature, as Assistant Attorney General, and a Member of the Commission of Appeals, and who, at all times, rendered conscientious and faithful service to the Democratic Party; now, therefore, be it

Resolved, That the House of Representatives of the Forty-third Legislature express its heartfelt and sincere sympathy to the family and friends of the Hon. Luther Nickels in this sad hour; be it further

Resolved, That when the House adjourns today, it be in his memory, and that a page in the Journal be set apart for the purpose of paying tribute to this worthy citizen; be it further

Resolved, That copies of this resolution be forwarded by the Chief Clerk to the family of Luther Nickels.

SAVAGE,  
COOMBES,  
HUGHES,  
PARKHOUSE,  
STINSON,  
REED of Dallas.

The resolution was read second time.

On motion of Mr. Dunagan, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Dimmit, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Renfro, Riddle, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Ross, Russell, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stovall, Sullivant, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was then adopted unanimously.

# In Memory of Lila Virginia Smith

Mrs. Hughes offered the following resolution:

Whereas, The House has learned with sincere and deep regret of the death of Lila Virginia Smith, most beloved and esteemed employe in the House of Representatives, during the Forty-second and Forty-third Legislatures, who faithfully performed her duties with an untiring effort; and

Whereas, "To him who in the love of Nature holds  
Communion with her visible forms, she speaks  
A various language; for his gayer hours  
She has a voice of gladness, and a smile  
And eloquence of beauty; and she glides  
Into his darker musings with a mild  
And healing sympathy that steals away  
Their sharpness ere he is aware. When thoughts  
Of the last bitter hour come like a blight  
Over thy spirit, and sad images  
Of the stern agony and shroud and pall  
And breathless darkness and the narrow house  
Make thee to shudder and grow sick at heart,  
Go forth under the open sky and list  
To Nature's teachings, while from all around—  
Earth and her waters and the depths of air—  
Comes a still voice:

Yet a few days, and thee  
The all-beholding sun shall see no more  
In all his course; nor yet in the cold ground,  
Where thy pale form was laid with many tears,  
Nor in the embrace of ocean, shall exist  
Thy image. Earth, that nourished thee, shall claim  
Thy growth, to be resolved to earth again,  
And, lost each human trace, surrendering up  
Thine individual being, shalt thou go  
To mix forever with the elements,  
To be a brother to the insensible rock. . . ."

"Thou go not, like the quarry-slave at night,  
Scourged to his dungeon, but, sustained and soothed  
By an unfaltering trust, approach thy grave  
Like one who wraps the drapery of his couch  
About him and lies down to pleasant dreams"; and

Whereas, The Members and employes of the House of Representatives deeply sympathize with Mr. and Mrs. Chester D. Smith and family, and are saddened by the temporary separation of Lila and her family, and know that the Master of all her destinies was kind to her as she entered the Portals of Peace because she was a most worthy and esteemed young woman from every standpoint of exalted and noble character, and her life was an example to those who loved her and knew her best; now, therefore, be it

Resolved, That we leave our sincere sympathy with Mr. and Mrs. Smith and family, well knowing that according to divine promise the Comforter will come; and, be it further

Resolved, That this resolution be printed in the House Journal for today, that a copy be mailed to the bereaved family, that a floral offering be sent, and that when the House adjourns today, it be in respect to the memory of Lila Virginia Smith.

HUGHES,  
WELLS,

DEAN,  
LEMENS,

ROSS,  
ALSUP.

The resolution was read second time.

On motion of Mr. Lemens, the names of all the Members of the House were added to the resolution, as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Leonard, Lindsey, Long, Lotief, Mackay, Magee, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivan, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, West, Winningham, Wood, Young.

The resolution was then adopted by a rising vote.